

access chambers.

C 27
14. (Newly Added) The secondarily contained fuel distribution system as defined in claim ⁷~~13~~ further comprising a plurality of intermediate fittings, each intermediate fitting being disposed within one of the access chambers.

R E M A R K S

In the subject Office Action, claims 7 and 8 were rejected under 35 U.S.C. § 112, para. 2, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as his invention. Furthermore, claims 7 and 8 were rejected under 35 U.S.C. § 103 as being unpatentable over Webb (U.S. Patent No. 4,932,257) in view of Fuhrmann (U.S. Patent No. 3,974,862).

By the present amendment, applicant has amended independent claims 7 and 8 to describe the present invention with greater particularity and to further distinguish the present invention from the prior art of record. Furthermore, applicant has added dependent claims 9 through 11, which depend from independent claim 7, and dependent claims 12 through 14, which depend from independent claim 8. As so amended, it is submitted that claims 7 through 14 all describe the invention with particularity and are patentable over the prior art of record. Reconsideration and withdrawal of the rejections of claims 7 and 8 and issuance of a "Notice of Allowability" for claims 7 through 14 are respectfully requested.

Applicant submits that the Fuhrmann '862 patent fails to teach the subject matter claimed in the present application. It is fair to say that Fuhrmann '862 fails to disclose either the secondarily contained piping system or the secondarily contained fuel distribution system claimed in claims 7 through 14. Fuhrmann '862 discloses a flexible conduit having a resulting flow space 6 between a flexible corrugated tube 2 and an inner tube 4. Flow space 6 carries part of the fluid flow during the ordinary flow of fluid in the flexible conduit. Inner tube 4 is not used in the Fuhrmann '862 patent as a secondarily contained flexible inner supply pipe, as claimed by applicant in independent claim 7 and dependent claims 9 through 11, or as a secondarily contained flexible inner fuel supply pipe, as claimed by applicant in independent claim 8 and dependent claims 12 through 14. Furthermore, flexible corrugated tube 2 is not used in the Fuhrmann '862 patent as an outer secondary containment pipe, as claimed by applicant in independent claim 7 and dependent claims 9 through 11, or as an underground outer secondary containment pipe, as claimed by applicant in independent claim 8 and dependent claims 12 through 14. Therefore, applicant respectfully submits that claims 7 through 14 are patentably distinguishable over the teachings of the Fuhrmann '862 patent.

The Webb '257 patent also fails to teach the subject matter claimed in the present application. First, Webb '257 does not disclose a flexible inner supply pipe. Furthermore, Webb '257 does not disclose, nor does it suggest, the placement of

each intermediate coupling and its associated fitting, as necessary, within an access chamber.

Referring to Fig. 16 of the Webb '257 patent, applicant notes that inner primary pipe 12 is not flexible as required by claims 7 through 14 of the present application. Furthermore, applicant notes that primary straight connector 24 of the Webb '257 patent is not within an access chamber, as claimed by applicant in independent claim 8 and dependent claims 12 through 14, yet alone an underground access chamber, as claimed by applicant in independent claim 7 and dependent claims 9 through 11. Applicant respectfully submits that these and other distinctions render claims 7 through 14 patentable over the teachings of the Webb '257 patent.

It is respectfully submitted that these and other differences between the teachings of Webb '257 and Fuhrmann '862 and the subject matter claimed in the present application are significant and are directly responsible for the important advantages which are achieved through the use of applicant's Double-Containment Piping System.

Further, neither the Webb '257 patent nor the Fuhrmann '862 patent suggest that those skilled in the art would find it desirable to combine the subject matter disclosed in those references. Nevertheless, assuming for argument's sake that the Webb '257 patent and/or the Fuhrmann '862 patent were combined, applicant respectfully submits that those two references, when so combined, still fail to teach the subject matter claimed by applicant in the present application.

The present invention is not a repeat, a rehash, or an obvious variation of what has been done in the prior art, nor does it achieve its objects in the same or even a similar manner. The present invention is a totally new concept not suggested or taught, as to function or structure, by the Webb and Fuhrmann references, or even their combination.

Applicant also takes notice of the objections raised to the drawings in the Notice of Draftsperson's Patent Drawing Review. During the prosecution of applicant's co-pending parent application Serial No. 07/286,893, applicant submitted proposed drawing corrections on October 23, 1989 and November 13, 1990. Those drawing corrections were approved in the Notice of Allowability mailed on September 22, 1995. Applicant respectfully requests acceptance of the enclosed drawings which conform to the approved drawings (containing the corrections of October 23, 1989 and November 13, 1990) in applicant's parent application Serial No. 07/286,893.

Applicant also notes that during the prosecution of applicant's parent application Serial No. 07/286,893 the Office, in the Official Action dated January 31, 1990, required submission of a substitute specification. In response to that action, applicant, among other things, submitted a substitute specification with his Response B of July 2, 1990. Applicant thereafter, in his Response C of November 9, 1990 and his Response D of February 12, 1991, requested certain amendments be made to the substitute specification.

Accordingly, applicant respectfully requests acceptance

herein of the substitute specification, and the amendments thereto, submitted in applicant's parent application.

Applicant's undersigned representative previously obtained a PTO certified copy of the prosecution history of applicant's parent application. Applicant submits copies of the substitute specification and the marked copy of the original specification copied made from such certified copy. Applicant also sets forth below, and requests entry of, the amendments to the substitute specification requested during prosecution of applicant's parent application.

**Amendments Set Forth in Response C
of 11/9/90 in Serial No. 07/286,893**

1. On page S3, line 7, delete the (,) and change "is" to --and--.
2. On page S3, line 9, delete "is".
3. On page S4, line 17, after "dispenser." add --Fig. 4 shows an alternate embodiment of the embodiment of the invention shown in Figs. 1 to 3--.
4. On page S4, line 20, after "systems" add --Fig. 5 shows another alternate embodiment of the invention shown in Figs. 1 to 3 connecting a plurality of underground storage tank systems--.
5. On page S8, delete sentence starting on line 28 and running through line 30: "The coupling 128 securing the primary pipe 122 to the secondary pipe 119 at the base of the dispenser 135 is connected to the bottom of the shear valve 139", and

substitute in lieu thereof --The coupling 199 secures the primary pipe 122 to the bottom of the shear valve 139 at the base of the dispenser 135--.

6. On page S8, line 31, delete "128" and substitute in lieu thereof --199--.

7. On page S8, line 31, delete "118" and substitute in lieu thereof --198--.

8. On page S8, delete the full sentence in lines 33-34, and substitute in lieu thereof --Couplings 198 and 199 may be compression fittings similar to the compression fitting 18 shown in Figure 2--.

9. On page S10, line 10, add --The primary and secondary pipe may consist of a plurality of pipe segments, each respective segments connected to one another so as to form a continuous primary pipe, or a continuous secondary pipe--.

10. On page S10, line 26, after "pipe" add --222--.

**Amendments Set Forth in Response D
of 02/12/91 in Serial No. 07/286,893**

Please delete the paragraph from line 17 to line 23 of page S7 of the Substitute Specification, without prejudice.


Applicant respectfully submits that all of claims 7 through 14 define the invention with particularity and are not obvious in view of the combined teachings of Webb '257 and Fuhrmann '862. Accordingly, applicant earnestly solicits entry

§112 and 35 U.S.C. §103, and allowance of claims 7 through 14.

Respectfully submitted,

LOCKWOOD, ALEX, FITZGIBBON & CUMMINGS

By:



David Lesht, Reg. No. 30,472

Three First National Plaza
Suite 1700
Chicago, Illinois 60602
(312) 782-4860

Dated: April 17, 1996